

## **MINUTES**

### **EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING**

**Tuesday, February 22, 2011**

**City Council Chamber**

**4:00 p.m.**

#### **PLEDGE OF ALLEGIANCE AND ROLL CALL**

Council President Kincaid called the meeting to order. The following members were present: Council Members Larry Balow, David Duax, Thomas Kemp, Kerry Kincaid, David Klinkhammer, Mark Olson, Jackie Pavelski, Bob Von Haden, Thomas Vue, Dana Wachs, and Andrew Werthmann.

#### **CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, February 22, 2011. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Balow "to adopt the consent resolution". Said motion passed by unanimous vote.

#### **TASTE OF THE VALLEY**

The City Council considered a resolution authorizing the Leader Telegram and the United Way of the Greater Chippewa Valley, to conduct the Taste of the Valley (formerly Taste of Eau Claire) on Sunday, June 5, 2011 at Phoenix Park. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Wachs "to adopt said resolution". Said motion passed by unanimous vote.

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to United Way of the Greater Chippewa Valley, Dave Markquart, president, on June 5, 2011, at Phoenix Park for Taste of the Valley. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Olson "to adopt said resolution". Said motion passed by the following vote: Aye: Council Members Balow, Kemp, Kincaid, Klinkhammer, Olson, Pavelski, Von Haden, Vue, Wachs, and Werthmann. Nay: Council Member Duax.

#### **CARSON PARK BASEBALL STADIUM 2011 FEES**

The Council considered a resolution approving a request from the Carson Park Baseball Stadium Stakeholders to delay the implementation of increased user fees for the Stadium. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Klinkhammer "to adopt said resolution". Thereupon a motion was offered by Council Member Duax and seconded by Council Member Kemp "to amend said resolution by adding the following paragraph: 'Be It Further Resolved, that the Director of the Parks and Recreation Department convene a stakeholder committee comprised of representatives of the various user groups of the Carson Park Baseball Stadium to review potential cost saving measures and make recommendations to City Council in early fall of 2011'." Said motion was accepted as a friendly amendment. The Council then voted on the resolution as amended. Said resolution was adopted by unanimous vote.

## **SALE OF EXCESS CITY PROPERTY**

The Council considered a resolution awarding a contract for Real Estate Brokerage Services for the marketing of the former Parks & Recreation Building at 1300 First Avenue and the neighboring parking lot at 1428 Oxford Avenue. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Kemp “to adopt said resolution”. Said motion passed by unanimous vote.

## **AGREEMENT**

The City Council considered a resolution adopting a joint agreement with Eau Claire County for cost sharing and implementation of the ACS, Inc. Land Development Office and Assessing Office. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

## **ACQUISITION OF PROPERTY**

The City Council considered a resolution approving the acquisition of the property at 3312 / 3314 Runway Avenue with funding through the City Housing Authority - Public Housing Program. Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Vue “to adopt said resolution”. Said motion passed by unanimous vote.

## **PHOENIX PARKSIDE**

The Council considered a resolution approving a one-year note with Phoenix Parkside, LLC regarding an extension of the Payment in Lieu of Taxes (PILOT) agreement for property in the North Barstow Redevelopment District. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Duax “to adopt said resolution”. Said motion passed by unanimous vote.

## **GASOLINE PRICES**

The City Council considered a resolution requesting that the Wisconsin Department of Justice and the Wisconsin Department of Agriculture, Trade and Consumer Protection conduct an investigation into the pattern of higher gasoline prices in the Eau Claire gasoline market. A motion was offered by Council Member Duax and seconded by Council Member Pavelski “to postpone consideration of said resolution until the Fiscal Policy Advisory Committee has met and to schedule a public discussion on the item at a future City Council meeting”. Said motion failed on the following vote: Aye: Council Member Duax. Nay: Council Members Balow, Kemp, Kincaid, Klinkhammer, Olson, Pavelski, Von Haden, Vue, Wachs, and Werthmann. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski “to adopt said resolution”. Said motion passed by unanimous vote.

## **VOTER – PHOTO ID LEGISLATION**

The Council considered a resolution in opposition to Voter Identification Regulations as proposed in Wisconsin Senate Bill 6. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Wachs “to adopt said resolution”. Said motion

passed by the following vote: Aye: Council Members Balow, Kemp, Kincaid, Olson, Vue, Wachs, and Werthmann. Nay: Council Members Duax, Klinkhammer, Pavelski, and Von Haden.

### **SYNTHETIC COCAINE**

The City Council considered a resolution requesting that the Wisconsin Legislature enact legislation to outlaw the sale or distribution of a synthetic cocaine designer drug marketed as “Bath Salts”. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Wachs “to adopt said resolution”. Said motion passed by unanimous vote.

### **PUBLIC TRANSPORTATION**

The Council considered a resolution opposing provisions of the proposed State Budget Adjustment Bill, and possible budget measures, specifically those pertaining to Public Transportation. Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Vue “to adopt said resolution”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Kemp “to lay consideration of said resolution on the table until a later time”. Said motion passed by unanimous voice vote.

Council Member Vue left the council chamber.

### **TRANSIT DEVELOPMENT PLAN**

The City Council considered a resolution approving a grant agreement between the State Department of Transportation and the City for funding the Transit Development Plan. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Werthmann “to adopt said resolution”. Said motion passed by unanimous vote.

Council Member Vue returned to the Council Chamber.

### **STREET, UTILITY & SIDEWALK IMPROVEMENTS**

The City Council considered a resolution approving the project and levying special assessments for street and utility improvements on

- Rudolph Road, Brackett Avenue to Lloyd Avenue (11-201)
- Folsom Street, Truax Boulevard to Ninth Street (11-205).

Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Kemp “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 6.0907 on

- Rudolph Road, Brackett Avenue to Lloyd Avenue (11-201);
- Folsom Street, Truax Boulevard to Ninth Street (11-205).

Thereupon a motion was offered by Council Member Balow and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a final resolution approving the project and levying special assessments for street and utility improvements on the following streets:

- Fall Street, Birch Street to 605 feet north of Omaha Street (11-206);
- Barron Street, Addison Avenue to 566 feet north of Oak Park Avenue (11-207);
- Oak Park Avenue, Barron Street to Pershing Street (11-208);
- Barstow Street N., William Street to Oak Street (11-209);
- Wisconsin Street, Dewey Street N. to Putnam Street (11-210);
- Altoona Avenue, Chauncey Street to Margaret Street (11-211);
- Roderick Street, Hogeboom Avenue to Badger Avenue (11-212);
- Fourth Street, Mead Street to Truax Boulevard (11-213).

Thereupon a motion was offered by Council Member Wachs and seconded by Council Member Vue “to adopt said resolution”. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Balow “to defer construction of sidewalk on Roderick Street, from Lyndale Avenue to Badger Avenue”. Said motion to amend passed by the following vote: Aye: Council Members Balow, Kemp, Kincaid, Von Haden, Vue, Wachs, and Werthmann. Nay: Council Members Duax, Klinkhammer, Olson, and Pavelski. The Council then voted on the resolution as amended. Said resolution was adopted by unanimous vote.

The Council considered a resolution ordering sidewalk to be repaired in accordance with Wisconsin Statute s. 66.0907 on the following streets:

- Fall Street, Birch Street to 605 feet north of Omaha Street (11-206);
- Barron Street, Addison Avenue to 566 feet north of Oak Park Avenue (11-207);
- Barstow Street N., William Street to Oak Street (11-209);
- Wisconsin Street, Dewey Street N. to Putnam Street (11-210);
- Altoona Avenue, Chauncey Street to Margaret Street (11-211);
- Roderick Street, Hogeboom Avenue to Badger Avenue (11-212);
- Fourth Street, Mead Street to Truax Boulevard (11-213).

Thereupon a motion was offered by Council Member Olson and seconded by Council Member Duax “to adopt said resolution”. Said motion passed by unanimous vote.

## **PUBLIC TRANSPORTATION**

A motion was offered by Council Member Duax and seconded by Council Member “to take the resolution opposing provisions of the proposed State Budget Adjustment Bill, and possible budget measures, specifically pertaining to Public Transportation, off the table and resume debate on the item”. Said motion passed on a unanimous voice vote. Thereupon a motion was offered by Council Member Kemp and seconded by Council Member Wachs “to add the following as a sixth Whereas paragraph to the resolution:

‘Whereas, the impact on federal funding is unclear at this time, the City Council respectfully requests that the portion of the Budget Repair Bill pertaining to these issues be reconsidered until such time that the full impact is understood’.”

Said amendment was adopted by unanimous vote.

Thereupon a motion was offered by Council Member Duax “to amend the Now, Therefore, Be It Resolved paragraph as follows:

In the second line, remove the word 'delete' and insert the word 'evaluate';  
At the end of the paragraph, after the words 'State of Wisconsin' add the words  
'and delete those provisions that would eliminate any such funding'."

Said motion was accepted as a friendly amendment by the original mover and seconder. The Council then voted on the resolution as amended. Said resolution was adopted by unanimous vote.

### **CODE AMENDMENTS**

The City Council considered an ordinance amending Chapter 18.02 of the Zoning Code entitled "Definitions", adding a definition for "tavern" as shown on Planning File #Z-1477-11. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Klinkhammer "to adopt said ordinance". Said motion passed by unanimous vote.

The Council considered an ordinance amending Chapter 16.04 entitled "Building Code" of the City Code of Ordinances, specifically section 16.04.350 entitled "Special Building District Boundaries", to decrease the size of the special building district. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Kemp "to adopt said ordinance". Said motion passed by unanimous vote.

### **PAY PLAN**

The City Council considered an ordinance amending the Pay Plan for the City of Eau Claire to incorporate the changes approved with the 2011 Program of Services. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Von Haden "to adopt said ordinance". Said motion passed by unanimous vote.

### **ADJOURNMENT**

A motion was offered by Council Member Werthmann and seconded by Council Member Klinkhammer "that this meeting does now adjourn." Said motion passed by unanimous voice vote.

Adjournment: February 22, 2011

Time: 7:43 p.m.

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Kerry J. S. Kincaid, President

ATTEST:

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Cheryl Brunner, Deputy City Clerk